

## REMARKS/ARGUMENTS

### Restriction/Election

The Office considered pending claims 44-63 of the present application to be directed to three patentably distinct inventions. Specifically, the Examiner required election of a single invention, wherein the first invention is drawn to a method of providing a food product (Group I, claims 44-50), the second invention is drawn to a method of providing a food product with a step of determining cytokinin concentration (Group II, claims 57-63), and the third invention is drawn to a food product associated with a cytokinin (Group III, claims 51-56).

It is pointed out that the examiner refers to PCT Rule 13.2 stating that the requirement of unity of invention would be fulfilled only when

"...there is a ***technical relationship among those inventions involving one or more of the same or corresponding special technical features***. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art..."

In her analysis, the examiner then identified the common technical feature as "***...a food product associated with cytokinin...***" and subsequently argued that this technical feature would have been known from the prior art (Goddijin et al. U.S. Pat. No. 7,247,770), thus negating the provisions of PCT Rule 13.2.

However, it should be pointed out that ***Goddijin et al are not even peripherally related to any food products associated with a cytokinin***. Goddijin is concerned with change of carbon flow balance in plants to so increase biomass yield. The mechanism of such modification is recombinant expression of trehalose-6-phosphate synthase, which when expressed in plant cells, will reduce carbon flow into glycolytic pathways and increase carbon flow into photosynthetic pathways (*e.g.*, C2L26 et seq.). The only reference of Goddijin to any cytokine is in the generic statement that plants can be regenerated *in vitro* from cells or callus culture using various amino acids and hormones, such as auxin and cytokinins. This technology is applicable to various plants, including potato, sugarbeet, carrot, chicory and sugarcane, which can qualify as food. However, while certain claim elements are semantically present, Goddijin in no way teaches any

fortification of a food item with a cytokinin as presently claimed. Thus, the examiner's assertion that the common technical feature would be present in the prior art is unfounded.

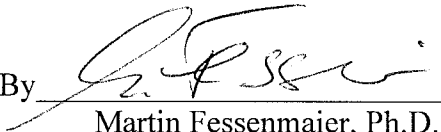
Consequently, the applicant respectfully disagrees and **elects with traverse Group I** reading on **claims 44-50**. Claims 51-63 are withdrawn without prejudice.

**Request For Allowance**

Claims 44-50 are pending in this application, with claims 51-63 being withdrawn. The applicant requests allowance of all pending claims.

Respectfully submitted,  
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